

Application No.: 09/611,562

Docket No.: JCLA6244-C1-R

REMARKS**Present Status of the Application**

The Office Action rejects claim 6-11. Specifically, the Office Action rejects claim 6 under 35 U.S.C. 112, second paragraph. The Office Action rejected claims 6, 8, and 10 under 35 U.S.C. 103(b) as being anticipated by Kang et al. (U. S. Patent 5,755,281; hereinafter Kang). The Office Action rejects claims 7, 9, and 11 under 35 U. S.C. 103(a) as be unpatentable over Kang in view of Park et al. (U. S. Patent 5,975,199; hereinafter Park). Applicants have amended specification and claim 6 to correct typographic errors. After entry of amendments, claims 6-11 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Discussion of Claim Rejections under 35 USC 112

Applicants have amended specification to correct typographic error.

Applicants have also amended claim 6 to correct to improve clarity as considered by the Office Action.

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Discussion of Claim Rejections under 35 USC 102

The Office Action still rejected claims 6, 8, and 10, based on the direct measurements on the drawing of Kang (Fig. 10A) with 10 slits. In this consideration, N=10.

The Office Action insists that the direct measurement is proper. Even if so, Applicants respectfully traverses the rejection for at least the reasons set forth below.

1. According to the disclosure of Kang, there is no intention being found to state the drawings as the actual dimension. Kang in whole disclosure never discusses the dimension relation between the slit width, the gap between the slits, and the tub 30. In other words, Kang never states that the actual size of the heat exchanger fin is shown in FIG. 10A. Kang never discloses the design on the slit width and the gap between the slits.

In this situation, it is believed that the Office Action has improperly construed Kang under "hindsight".

2. Even though Applicants respectfully disagree the direct measurement on the drawing of Kang for at least the reasons in point 1, if the direct measurement is taken, then with the principle of the Office Action, Kang still fails to disclose the claimed invention.

With the same principle made by the Office Action to consider the drawing Fig.10 as the actual size, Applicants have measured the slit width and the gap between the slits. Applicants have the measuring results as follows (also see attached sheet as the Applicant's Appendix):

(A) With respect to claim 6, the actual size of Fig. 10A has $W_f = 33$ mm. In this scale, the slit i.e. at the 5th row (counted from arrow A direction) has a width of 2 mm. According to W_f

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= 33 mm and $N=10$, the minimum W_s is 2.2 mm. Therefore, according to Fig. 10A, Kang does not satisfy the claimed condition recited in claim 6, *in which all slits have to be greater than 2.2 mm in this condition recited by the present invention.*

(B) With respect to claim 8, appellants also measure the diameter of the tube by 13 mm (with the same scale of $W_f=33$ mm). In this scale, the minimum W_s for the factor 0.17×13 mm = 2.21 mm. This is greater the 5th slit with 2 mm. Kang by Fig. 10A do not anticipate the claimed invention recited in claim 8 for the set of slits.

(C) With respect to claim 10, Fig. 10a is also measured to have i.e. at least the spacing between 2nd slit row and the 3rd slit row by 2 mm. Again, the minimum spacing as recited in claim 10, applied on Kang is 0.18×13 mm = 2.34 mm. This 2.34 mm of the present invention is greater than 2 mm of Kang. Kang by Fig. 10A do not anticipate the claimed invention recited in claim 10 for the set of slit spacing.

Clearly, the actual size of the Fig. 10A as a whole does not disclose the features recited in claims 6, 8 and 10.

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Discussion of Claim Rejections under 35 USC 103

The Office Action rejects claims 7, 9, and 11 under 35 U. S.C. 103(a) as be unpatentable over Kang in view of Park.

The tube with diameter of 7 mm is disclosed. However, Park does not supply the missing features in Kang.

Particularly, Park only provides the tube size and does not provide the motivation to modify the actual size in Kang when considering the whole design (if the drawing of Kang is considered as the actual size). If the modification from Park is made, the design of Kang is then changed. Therefore, the combination is not proper in another point of view.

For at least the foregoing reasons, Applicant respectfully submits that independent claims 6 and 8 patently define over the prior art references, and should be allowed. For at least the same reasons, dependent claims 7 and 9-11 patently define over the prior art references as well.

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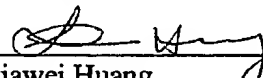
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 6-11 of the invention patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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